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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,120	05/24/2001	Kevin R. Holubar	AUS920010283US1	1468'

7590 03/15/2007  
Frank C. Nicholas  
CARDINAL LAW GROUP  
Suite 2000  
1603 Orrington Avenue  
Evanston, IL 60201

EXAMINER
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SERROU, ABDELALI

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/864,120

Applicant(s)

HOLUBAR ET AL.

Examiner

Abdelali Serrou

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,11,13,14,21,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-4,11, and 13-14 is/are rejected.
- 7) ☒ Claim(s) 21,23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the office action mailed on 2/5/07, Applicant filed a response on 2/14/07, amending claims 1, 11, and 21, and canceling claims 2, 5-10, 12, 15-20, 22, and 25-30.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3-4, 11, and 13-14, have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 21 and 23-24 have been fully considered and are persuasive. The rejection of claims 21 and 23-24 has been withdrawn.

### ***Claim Objections***

3. **Claims 3, 13, and 23** are objected to under 37 CFR 1.75(c), as being of improper dependent form for setting a flag to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 3, 13, and 23 depend respectively on cancelled claims 2, 12, and 22.

**Claim 21** is objected to because it preempts "a computer program product", which does not better reflect the intended scope of the claim. To further timely prosecution, the Examiner has interpreted this phrase as "computer program code".

Appropriate correction should be made.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1 and 11**, and by dependency claims 3-4, and 13-14, are rejected under 35 U.S.C. § 101, because they do not fall within one of the four categories patentable subject matter of 35 U.S.C § 101 (process, machine, manufacture, or composition of matter).

**Claims 1 and 11** do not claim a practical application of their achieved steps, i.e., being used in a translation, speech recognition, or speech synthesis system. If the “acts” of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter. Benson, 409 U.S. at 71-72, 175 USPQ at 676. Thus, a process consisting solely of mathematical operations, i.e., converting one set of numbers into another set of numbers, does not manipulate appropriate subject matter and thus cannot constitute a statutory process.

(See: Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility).

***Allowable Subject Matter***

5. **Claim 21**, and by dependency claims 23-24, are objected because of the minor informalities, stated above, but would be allowable if rewritten in a correct form to overcome the above cited objection.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 21 teaches a computer readable medium for storing a copy of a second source language text phrase in the translated text when a comparison of the first timestamp and the second timestamp indicates a storage of the second source language text phrase within the database occurred after the storage of the target language text phrase within the database.

The closest art is by:

Davis et al. in view of Elsbreet al. , who teach a translation system that stores the source language and a modified version of the source language, detects, and notify the user of the modification when the change occurs. Davis et al. and Elsbreet al. do not teach storing a copy of a second source language text phrase in the translated text.

Lakritz (u.S 6,526,426) teaches a translation management system that automatically detects when a document, data stream, or non-text file in the master language has been updated and notifies the user with the changes. Lakritz does not teach storing a copy of a second source language text phrase in the translated text.

### *Conclusion*

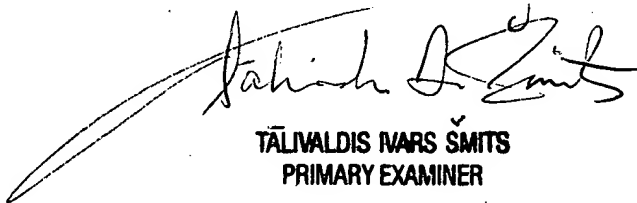
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelali Serrou whose telephone number is 571-272-7638. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis I. Smits can be reached on 571-272-7628. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A. Serrou  
2/28/07



TĀLIVALDIS MĀRS ŠMITS  
PRIMARY EXAMINER